IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA SAVANNAH DIVISION

JACQUELYN ORR and WILLIAM ORR,)
Plaintiffs,)
vs.) CIVIL ACTION NO. 416-52
MACY'S RETAIL HOLDINGS, INC.,)
Defendant.)

AMENDED EXPERT WITNESS REPORT OF MARKUS NIEDERWANGER, M.D.

COMES NOW, Markus Niederwanger, M.D. pursuant to Federal Rules of Civil Procedure 26(a)(2)(B), 26(a)(3) and 26(e)(2) and files this amended report as follows:

1. <u>IDENTITY OF EXPERT WITNESS.</u>

Dr. Markus Niederwanger Optim Orthopedics 210 East DeRenne Ave. Savannah, Georgia 31405

2. <u>COMPLETE STATEMENT OF ALL OPINIONS TO BE EXPRESSED AND</u> THE BASIS AND REASONS THEREFORE:

See previously filed Expert Witness Report, the Deposition of Dr. Niederwanger and the Amended Report attached hereto as Exhibit "1".

3. THE FACTS OR DATA CONSIDERED BY THE WITNESS IN FORMING HIS OPINION:

See previously filed Expert Witness Report, the Deposition of Dr. Niederwanger and the Amended Report attached hereto as Exhibit "1".



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4. ANY EXHIBIT TO BE USED AS A SUMMARY OF OR IN SUPPORT OF THE OPINIONS:

See previously filed Expert Witness Rreport and Exhibits to the Deposition of Dr. Niederwanger.

5. THE QUALIFICATIONS OF THE WITNESSES INCLUDING A LIST OF
PUBLICATIONS AUTHORED BY THE WITNESS WITHIN THE PRECEDING TEN
(10) YEARS:

See previously filed Expert Witness Report and the Deposition of Dr. Niederwanger.

6. <u>A LISTING OF OTHER CASES THE WITNESS HAS TESTIFIED AS AN EXPERT WITNESS AT TRIAL OR DEPOSITION WITHIN THE PRECEDING FOUR (4) YEARS:</u>

Not applicable.

7. COMPENSATION TO BE PAID FOR THE STUDY AND TESTIMONY:

\$1,500 per hour, \$10,500 incurred to date.

This 14th day of July, 2016.

/s/R. Scot Kraeuter
R. Scot Kraeuter
Georgia Bar No. 428960

Johnson, Kraeuter & Dunn, LLC 104 West State Street, Suite 200 Savannah, Georgia 31401 (912) 721-9844 Scot@jkdlawfirm.com Case 4:16-cv-00052-WTM-GRS Document 40 Filed 07/14/16 Page 3 of 4

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CERTIFICATE OF SERVICE

This is to certify that I am counsel for the Plaintiffs and that I have this day served the foregoing pleading upon all parties to this matter by filing with the Court's CM/ECF system, which will automatically e-mail notification of same to the following counsel of record:

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This 14th day of July, 2016.

/s/R. Scot Kraeuter R. Scot Kraeuter Georgia Bar No. 428960

Johnson, Kraeuter & Dunn, LLC 104 West State Street, Suite 200 Savannah, Georgia 31401 (912) 721-9844 Scot@jkdlawfirm.com

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Update and correction to the report for Jacquelyn Orr, DOB 1970

Original date of the report: 05/25/2016

Updated report: 07/06/2016

Considerations for future care update and clarification (page 8/10 in the report from 05/25/2016):

Since the production of the original report the patient was changed from oxycodone/APAP 10/325mg twice/day as needed for pain to Nucynta 50mg every 2-3 times/day as needed for pain and on the last visit this was increased to Nucynta 100mg every 8hrs as needed for pain. No feedback about this change has been received from Ms. Orr yet.

The gabapentin has been switched back from 600mg 4 times/day to 800mg 3 times/day.

Correction to the estimated charges for spinal cord stimulator procedure:

In the original report from 5/25/2016 charges for removal of a spinal cord stimulator implant were erroneously included. This is not a charge that likely would be expected if the patient has good benefit with the spinal cord stimulation system. Consequently it would be appropriate to remove this charge from the estimated charges for the spinal cord stimulator procedure.

Therefore, the Physician charge for CPT 63661 (\$2,784, removal of implanted spinal cord stimulator) and the Ambulatory Surgery Center charge for CPT 63661 (\$23,275) should be removed from the estimated charges for the spinal cord stimulator system.

Markus Niederwanger.

SaranhilbA 7/6/2016

